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U.S. Department of Housing
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Tom Bates
Cities of Alameda County

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City and County of San Francisco

Dave Cortese
Santa Clara County

Bill Dodd
Napa County and Cities

Dorene M. Giacomini
U.S. Department of Transportation

Federal D. Glover
Contra Costa County

Mark Green
Association of Bay Area Governments

Scott Haggerty
Alameda County

Anne W. Halsted
San Francisco Bay Conservation
and Development Commission

Steve Kinsey
Marin County and Cities

Sam Liccardo
Cities of Santa Clara County

Jake Mackenzie
Sonoma County and Cities

Kevin Mullin
Cities of San Mateo County

Bijan Sartipi
State Business, Transportation
and Housing Agency

James P. Sperling
Solano County and Cities

Scott Wiener
San Francisco Mayor's Appointee

Steve Heminger
Executive Director

Ann Flemer
Deputy Executive Director, Policy

Andrew B. Fremier
Deputy Executive Director, Operations

ADMINISTRATION COMMITTEE

September 14, 2011
MINUTES

Attendance

Chair Cortese called the meeting to order at approximately 9:55 a.m. Committee members present were: Committee Vice Chair Wiener, Commissioners Bates, Campos, Dodd, Glover and Kinsey. Commissioner Rein-Worth was present as Ex-Officio voting member. Other Commissioners present as ad hoc members of the Committee were: Giacomini, Green, Haggerty, Halsted and Mackenzie.

Item 2: Consent Calendar: Upon the motion of Commissioner Bates and second by Commissioner Glover, the following items on the Consent Calendar were approved unanimously.

Item 2a: Minutes

The Committee received and approved as written the meeting minutes of July 13, 2011.

Item 2b: Monthly Financial Statements

The Committee received the following monthly financial reports for the month of June: Report of Operating Income for FY 2010-11 as of June 2011; Report of Operating Expenditures for FY 2010-11 as of June 2011; Report of Capital Projects for FY 2010-11 as of June 2011; FY 2010-11 Contract Services Disbursement Report for June 2011. For the month of June 2011, the monthly financial report listed one (1) contract executed by the Executive Director in the amount of \$100,000 and under, and fifteen (15) purchase orders executed by the Executive Director between \$2,500 and \$55,000.

The Committee also received a comparison of the budget vs. actual plus encumbrance salaries and benefits through June 2011.

Item 2c: Investment Report

The Committee received the Investment Reports for the months of June and July 2011.

**Item 2d: Contract Amendment – Professional Consulting Services:
PriceWaterhouseCoopers, LLP**

The Committee authorized the Executive Director or his designated representative to negotiate and enter into a contract amendment with PriceWaterHouseCoopers, LLP to provide assessment on current-state controls in place for the FasTrak[®] Regional Customer Service Center. The Chief Financial Officer was authorized to set aside funds in the amount of \$205,000 for such amendment.

**Item 2e: Contract Amendment: Public Participation Program for Plan Bay Area – MIG,
Inc.**

The Committee authorized the Executive Director or his designated representative to negotiate and enter into a contract amendment with MIG, Inc., to assist in implementing a comprehensive public participation program for Plan Bay Area by assisting at public workshops planned around the region and to develop a visualization tool to educate the public about the scenarios that are key to the development of the 2013 Plan Bay Area. The Chief Financial Officer was authorized to set aside funds up to \$150,000 for such amendment.

Item 2f: Contract Amendment – Transit Sustainability Project (TSP): MIG, Inc.

The Committee authorized the Executive Director or his designated representative to negotiate and enter into a contract amendment with MIG, Inc., to evaluate the region's transit system and to establish an implementation plan for a more financially viable transit system that is both cost-effective and customer-focused by conducting public outreach in support of the Inner East Bay service analysis component of the Transit Sustainability Project. The Chief Financial Officer was authorized to set aside funds up to \$100,000 for such amendment.

**Item 2g: Contract: Translation/Interpretation Services – International Effectiveness
Centers**

The Committee authorized the Executive Director or his designee to negotiate and enter into a contract with International Effectiveness Centers for translation and interpretation services to provide translation and interpretation services for a broad range of projects aimed at improving MTC's public outreach and involvement with communities with limited English proficiency in the nine-county San Francisco Bay Area. The Chief Financial Officer was directed to set aside funds up to \$25,000 for such contract with options to extend the contract in one-year increments for up to four (4) consecutive years.

**Item 2h: Resolution No. 4034 – Adopting MTC's Local Annex to the San Francisco Bay Area
Local Hazard Mitigation Plan (2010 Update)**

The Committee referred Resolution No. 4034 to the Commission which adopts MTC's Local Annex to the San Francisco Bay Area Local Hazard Mitigation Plan. Upon approval, a copy of the Resolution will be submitted to ABAG, CalEMA, FEMA and to other agencies as may be appropriate.

Item 2i: Resolution No. 3769, Revised – Amending Bay Area Infrastructure Financing Authority (BAIFA) Joint Exercise of Powers Agreement with Bay Area Toll Authority.

The Committee referred Resolution No. 3769, Revised to the Commission amending MTC's Joint Exercise of Powers Agreement with BATA in order to permit to develop and operate an express lane facility.

Item 3: Resolution No. 1198, Revised – MTC Conflict-of-Interest Code

MTC General Counsel, Adrienne Weil presented the MTC Conflict-of-Interest Code and noted that the distributed marked copy reflects the changes negotiated between 2006 and 2011 when Francis Chin (previous General Counsel) worked sequentially with seven individuals in the Fair Political Practices Commission (FPCC) to obtain approval of the current changes presented. She advised that the changes are reflective of MTC's new organizational structure as it changed from 2002 and the associated reporting requirements commensurate with standard disclosure categories for transit agencies as requested by the FPCC. She further noted that designated positions are now more accurately named to reflect the titles of MTC's internal section directors and the disclosure categories are standard and similar enough to the former categories in the previous Conflict-of-Interest Code so as to not to affect MTC's Conflict-of-Interest Code in a substantial way. Other minor changes are being made both at the request of FPCC staff and to conform the Code to current law and regulations as administered by the FPCC.

Commissioner Bates asked Ms. Weil if there were any major changes or if there were any conflicts that she wanted to call to the Committee's attention. Ms. Weil answered no to both questions.

It was moved by Commissioner Glover and seconded by Commissioner Wiener to refer Resolution No. 1198, Revised which revises MTC's Conflict-of-Interest Code to the Commission. This motion passed unanimously.

Item 4: Contract Amendment and Contract: Public Opinion and Polling Services

- i. *Contract Amendment: Corey, Canapary & Galanis*
- ii. *Contract: EMC Research, Inc.*

Randy Rentschler, MTC's Legislation and Public Affairs Director noted that the Commission conducts public opinion surveys with respect to the Regional Transportation Plan and advised that for the last four plans, MTC has conducted two public opinion surveys - one early in the process and then one later in the process prior to a final decision on the Plan. The contract amendment presented is to conduct the second of MTC's public outreach polls for the One Bay Area Plan.

Additionally, staff is recommending a second poll with respect to a revenue measure of a potential regional gas tax. He reminded the Committee that although the Commission has had the authority since 1996 to place a gas tax on the ballots in the Bay Area counties it has never been exercised. A detailed poll has never been performed to see at what level people will support a gas tax. Staff believes that there is a demonstrable need for a revenue source for projects but the Commission needs to determine whether it is supportable and under what conditions.

Commissioner Kinsey questioned the timing of the latter poll and whether it could wait until February or March 2012. Mr. Rentschler responded that if MTC were to place a measure on the ballot for a regional fuel tax, it would aim for a general election in 2012 and believes the poll should begin to be conducted now to give us the necessary time to place the measure on the ballot, to make adjustments and/or possibly conduct a second poll.

Commissioner Wiener inquired how the components or questions of the poll are determined. Mr. Rentschler responded that MTC wants to be assured that the pollster is asking the appropriate questions and in the appropriate counties as staff understands that each county's project lists are unique. The pollster would provide MTC a list of questions for each of these counties.

Commissioner Wiener asked how the pollster will get that list. Mr. Rentschler responded that the recommended pollster has vast experience in polling the Bay Area and will meet with MTC staff to assure that we get the questions that we need.

Steve Heminger, MTC Executive Director, noted that MTC is primarily thinking about this revenue measure as the companion to the reform ideas that will be generated by the Transit Sustainability Project (TSP). He also addressed the timing question raised by Commissioner Kinsey and noted that the electorate needs to be polled earlier so that opinions can be gauged regarding the reform strategies and to assist MTC to agree with the transit operators to some of the reforms that could be tested in a second poll before deciding whether to place the measure on the ballot.

Commissioner Wiener asked Commissioner Kinsey why he thinks the poll should be conducted later rather than sooner. Commissioner Kinsey acknowledged that time is needed to guide the transit operators around the TSP but believes the closer to an election questions are asked, the more reliable the poll results.

Commissioner Bates suggested that we go out now to try and get baseline results and decide whether a special June election would make sense for a ballot measure. Mr. Heminger responded that he believes that the statute that enables MTC to place the measure on the ballot requires it to be consolidated with a state wide election – a special election cannot be called. He added that the statute also states that we have to pay for the election.

Commissioner Haggerty believes it is important to begin the polling sooner as it begins the dialogue and will allow a benchmark for a later poll.

Commissioner Bates expressed his support for an earlier poll and believes that it is imperative that an expenditure plan be developed. Additionally, he would like to see a "Vehicle Miles Traveled" (VMT) component.

Commissioner Haggerty suggested a tax on rental cars to pay for a transit component also be added.

Mr. Heminger acknowledged the suggested components but advised that we don't have the authority to do either the VMT or rental car tax. He noted that we have two polls in front of the Committee and suggests that in the poll for Plan Bay Area we can discuss a diverse revenue measures and restrict the regional gas tax poll to the measure that we have the authority to place on the ballot.

Commissioner Mackenzie agreed that the polling should be conducted sooner rather than later.

Mr. Heminger addressed the issue of a county placing its own measure on a ballot and explained that under the statute, the Board of Supervisors of a county that was asked to place the measure on their ballot is obligated to do so, unless they put their own measure on the ballot then it becomes their choice whether to also include the regional measure. He noted that there is a written provision to contemplate the circumstance; it has the ability to opt out.

Upon the motion of Commissioner Kinsey and second by Commissioner Bates, the Committee (i) Authorized to the Executive Director or his designated representative to negotiate and enter into a contract amendment with Corey, Canapary & Galanis to assist in implementing a comprehensive public participation program for Plan Bay Area and the Chief Financial Officer was authorized to set aside funds up to \$125,000 for such amendment; and (ii) Authorized the Executive Director or his designated representative to negotiate and enter into a contract with EMC Research, Inc. to provide public opinion and polling services for a potential regional gas tax in the San Francisco Bay Area, and the Chief Financial Officer was authorized to set aside funds up to \$125,000 for such amendment; and (iii) supported creation of an Ad Hoc Committee to review the poll methodology and questions through the Chair's appointment of certain members of the Administration Committee. The motion was passed unanimously.

Item 5: Other Business/Public Comment/Adjourn

There being no further business or public comment, the meeting was adjourned at approximately 10:21 a.m. The next Committee meeting date will be on October 12, 2011 in the Lawrence D. Dahms Auditorium, 101 Eighth Street, Oakland, CA.

